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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,605

Applicant(s)

BLUM ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2-11, 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 2-11 & 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 6, 2006. It is noted that the examiner has included claims 2 & 21 in addition to applicant's grouping of claims 3-11 as being withdrawn, since claim 2 is viewed as being directed to the non-elected species of Group I for example, while claim 21 is viewed as being directed to the non-elected species of Group V for example.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both springs (7) – figures 2a-4e and a rocker (7) – figure 8.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "7" and "17" have both been used to designate a rocker.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: On page 8, the “rocker” is defined as both reference numbers “7” and “17”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1 & 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, it is unclear as to whether applicant is claiming a “drawer” and “carcass”. The preamble does not specifically appear to claim these members in combination with the assembly, e.g. “a pull-out guide assembly for drawers”, but further down in the claim there appears to be a positive recital of structure e.g., “a support rail on the carcass and a pull-out rail on the drawer”, indicating that these members may constitute positive limitations that are being claimed in combination. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. For examination purposes, the examiner has taken the position that a drawer and carcass are positively being claimed in combination with the pull-out guide assembly. In Claim 1, the phrases “the drawer”, “the carcass” and “the load” do not have a proper antecedent basis. In Claim 1, the phrase “in differential manner” is unclear and confusing as presently worded and not properly understood. In Claim 12, the recitation “a locking means” appears to be a double inclusion of the previously defined “locking means” as put forth in claim 1. As such, it is not clear if this is a new and

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distinct limitation, or if this is a reference to the previously defined limitation. In Claim 16, the phrase “the stop on one of the rails is formed by an edge of the opening” appears to be misdescriptive of the elected embodiment since it is not clear how the stop {viewed as element 19} can be formed by an edge of the opening {which is viewed as element 50}, it is noted that claim 16 is dependent upon claims 13 and 12. In Claim 17, the phrase “the tiltable rockers are deformable” appears to be misdescriptive of the elected embodiment since it is not clear how the rocker would “deform” in view of the conventional use of the term. In Claim 20, the recitation of “the rocker” is unclear since it is not known if this is a new and distinct limitation due to the singular usage of the term **or** if the limitation is one of the rockers [plural usage] previously defined. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 & 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rapp [U.S. Patent No. 4,659,237]. Rapp (figures 1-11) teaches of a pull-out guide assembly for drawers comprising: a support rail (3) on a carcass (furniture body) and a pull-out rail (2) on a drawer (1), with a load of the drawer being transmitted between the rails by rollers (5) that are borne in running carriages (4) running between the rails between a front end position and a rear end position in differential manner as best understood by the examiner, with the running carriages being provided with locking

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means (15), wherein, in the event of a deviation from the differential running between the rails and the running carriages, the locking means lock the running carriages on one of the rails at predetermined points between their two end positions, with this locking being releasable by the movement of the rails with respect to one another as readily apparent to the examiner. As to claim 12, the locking means being active between the rails, with one rail having a stop (12) and the other rail having a deflection means (17) for the locking means. As to claim 13, the deflection means being an opening (17) in a horizontal web of the rail. As to claim 14, the stop on the other of the rails being a horizontal tab (12). As to claim 15, the locking means being rockers (15) that are borne tiltably on the running carriages and have two stop surfaces (note figures 9 & 10 – may be viewed as the ends of the carriage so far as broadly defined) that abut against a stop (12, 14) of one of the rails in the event of a running carriage deviating from between the rails. As to claim 16, a stop on one of the rails is formed by an edge of the opening as best understood by the examiner. As to claim 17, the rockers are “deformable” (figures 9-10 – able to be deformed or bend).

10. Claims 1, 12-18 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rock et al., [U.S. Patent No. 4,089,567]. Rock (figures 1-12) teaches of a pull-out guide assembly for drawers comprising: a support rail (1) on a carcass (fixed structure) and a pull-out rail (4) on a drawer (drawer), with a load of the drawer being transmitted between the rails by rollers (7) that are borne in running carriages (6) running between the rails between a front end position and a rear end position in differential manner as best understood by the examiner, with the running carriages being provided with locking means (22), wherein, in the event of a deviation from the differential running between the rails and the running carriages, the locking means

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lock the running carriages on one of the rails at predetermined points between their two end positions, with this locking being releasable by the movement of the rails with respect to one another as readily apparent to the examiner. As to claim 12, the locking means being active between the rails, with one rail having a stop (12' or 12") and the other rail having a deflection means (14') for the locking means. As to claim 13, the deflection means being an opening (14') in a horizontal web of the rail. As to claim 14, the stop on the other of the rails being a horizontal tab (12"). As to claim 15, the locking means being rockers (22) that are borne tiltably on the running carriages and have two stop surfaces (note figure 4) that abut against a stop (18, 25) of one of the rails in the event of a running carriage deviating from between the rails. As to claim 16, a stop on one of the rails is formed by an edge of the opening as best understood by the examiner. As to claim 17, the rockers are "deformable" (figure 4 – able to be deformed or bend along element 24). As to claim 18, each rocker is formed by two parts (main part – 22 and spring part – 24) connected to one another in an articulated manner i.e., forming a flexible joint, in which a stop face (note fig. 4) is constructed on each of the parts. As to claim 20, one of the stop faces is constructed to be concave (note the concave portion between the upper surface of elements 26 & 22) and one stop face is constructed to be convex (note the convex portion on the underside of element 24) in as much as applicant depicts the claimed limitations.

Allowable Subject Matter

11. Pending further review and consideration, Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in

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this Office action and to include all of the limitations of the base claim (claim 1) and any intervening claims (claims 15 & 18).

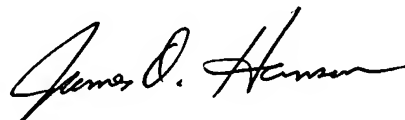
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark, Brustle et al., and Hardy describe pull-out guide assemblies for drawers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
March 17, 2006